

Exhibit 12

Office of the Maine Attorney General

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Statement from Attorney General Frey on Carson v. Makin oral argument

December 8, 2021

AUGUSTA - Today, the United States Supreme Court held oral arguments in *Carson v. Makin*, a case which considers whether it is constitutional for Maine to refuse to allow religious schools to receive taxpayer funds for the education of Maine's children. Chief Deputy Attorney General Christopher Taub and Assistant Attorney General Sarah Forster argued the case in defense of Maines public education system.

Following today's oral arguments, Maine Attorney General Aaron M. Frey issued the following statement:

"All Maine children, regardless of where they live, are entitled to a free public education. Maine law requires that children are provided a free public education, and that public education by its very nature must be inclusive of all students, regardless of the differences in their diverse backgrounds. A small number of children live in districts that do not operate a secondary school or contract with a school to provide an appropriate education. Those districts can satisfy their obligation to provide a public education by paying for the childrens tuition at a public or approved private school. Schools that require students to undergo religious instruction are excluded because the education they provide is not equivalent to a public education. Maines program has survived legal challenge on prior occasions by the Maine Law Court, the Federal District Court of Maine, and the Federal First Circuit Court of Appeals."

"Schools receiving taxpayer funds are appropriately subject to the Maine Human Rights Act (MHRA), which prohibits discrimination against individuals on the basis of several protected classes. The two religious schools that the parents in this case want to send their children to have made it clear that they are not interested in complying with the MHRA and, therefore, these schools have not even applied to the Maine Department of Education to be eligible to participate in Maines tuition program. Put differently, these schools want to continue to discriminate against individuals based on their status in a protected class and that is inconsistent with the protections afforded to all Mainers under the MHRA."

"Attorneys from my office argued strongly today that *Carson v. Makin* is different from other cases the Supreme Court has considered recently; and made a compelling case for the constitutionality of Maines system of public education, and for how it benefits all Mainers. It would be inappropriate if Maine taxpayers were forced to fund schools which exclude and discriminate against other Mainers, as that would erode the foundational principles of a public education that is diverse and accessible to all."

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Credits

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